

USSN: 09/805,296

20 Apr 2005

REMARKS

Claims 108-113 are pending and directed to various compounds that function as nucleic acid analogs. Claims 108, 109, 112 and 113 have been allowed. Claims 110 and 111 stand finally rejected for alleged indefiniteness over their use of the term "phosphono peptide nucleic acid monomer." The Examiner also objects to the Abstract.

The undersigned conducted a telephone interview on September 1, 2005 with the Examiner, wherein it was agreed that Applicants would amend the claims and abstract as specified herein, thereby leaving no outstanding issues in the case. Applicants thank the Examiner for his indulgence and time in discussing this matter.

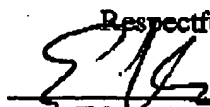
Applicants' cancellation of claims 110 and 111 is made with the belief that such cancellation will not affect the broad scope of remaining claims 108, 109, 112 and 113 and that the structures shown and/or referred in cancelled claims 110 and 111 will still be embraced thereby, whatever terminology is employed to identify them. The present cancellation is therefore conditioned on this belief, and no relinquishment as to scope of the broadest claim and equivalents thereof is or can be intended, expressly or implicitly. Applicants reserve the right to pursue the subject matter of cancelled claims 110 and 111 in a subsequent continuation application.

The forgoing considered, Applicants believe the case is now in condition for allowance and earnestly solicit a notice to that effect. Should any issues or questions remain, the Examiner is encouraged to telephone the undersigned at 858.485.0513 so that they may be promptly resolved. No fee is believed due in connection with this action. However, if wrong, the Commissioner is authorized to debit deposit account 502728 for the appropriate amount.

Dated:

9/12/05

Respectfully submitted,



Edward O. Kreusser, Reg. No. 38,523
BioTechnology Law Group

Attorney for Applicants

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858 485 0516
Sep-13-2005 12:06PM



Fax Call Report

Job	Date	Time	Type	Identification	Duration	Pages	Result
481	9/13/2005	12:05:41PM	Send	15712720600	0:00	0	No Answer

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Elmow, et al.

Serial No.: 09/805,396

Filed: 13 MAR 2001

For: ORGANOXYLOXIDE ANALOGUES,
METHODS OF SYNTHESIS, AND
METHODS OF USE

Examiner: McKenzie, T.C.

Art Unit 2109

DocId: No. ACT-1103-UTL1

RESPONSE TO FINAL OFFICE ACTION, INCLUDING AMENDMENT UNDER 37 CFR 1.114

Commissioner for Patents
P.O. Box 1430
Alexandria, VA 22313-1430

Sir:

In response to the Final Office Action dated July 27, 2005, please cancel claims 110 and 111 and replace the existing abstract with the one enclosed.

CERTIFICATE OF PAPERWORK TRANSMISSION (37 CFR 1.8)

I hereby certify that this paper (along with anything referred to as being submitted as enclosed) is being filed in the USPTO as (PTL) 371 0000 as the date shown below.

9/13/05
Date of filing

EL
Edward C. Elmow

HP LaserJet 3330

HP LASERJET 3330
858 485 0516
Sep-13-2005 12:19PM



Fax Call Report

Job	Date	Time	Type	Identification	Duration	Pages	Result
482	9/13/2005	12:18:45PM	Receive		0:39	0	No Fax Detected